

AFFIDAVIT

I, Amy L. Chandler, a Special Agent ("SA") with the Federal Bureau of Investigation ("FBI"), being duly sworn, depose, and state as follows:

1. I have been employed as a Special Agent with the FBI since April 11, 2010, and am currently assigned to the Minneapolis Division, Minot Residence Agency. My duties include, among other things, the investigation of violent crimes and sexually based offenses occurring within Indian Country. While employed with the FBI, I have investigated and participated in investigations involving federal criminal violations related to child sexual exploitation, human trafficking, sexual assault, narcotics, and violent crimes.
2. Prior to being employed as a Special Agent with the FBI, I was an Assistant State Attorney for the 9th Judicial Circuit for Orange and Osceola Counties in Florida for more than four years. During that time, I reviewed, charged, and prosecuted criminal violations involving crimes against children, child pornography, sexually based offenses, violent crimes, and drug offenses.
3. As a Federal Agent, I am authorized to investigate violations of the laws of the United States, and to execute warrants issued under the authority of the United States.
4. This Affidavit is in support of an application for an arrest warrant of JORDAN MICHAEL JOHN MACHIPINESS-FANDRICK, hereinafter referred to as MACHIPINESS, date of birth XX/XX/1990.
5. The statements contained in this Affidavit are based in part on: information provided by other agencies, written reports about this and other investigations that I have received, directly or indirectly, from other law enforcement agents; independent investigation; and

my experience, training, and background as a Special Agent with the FBI. Because this Affidavit is being submitted for the limited purpose of establishing probable cause to believe that JORDAN MICHAEL JOHN MACHIPINESS-FANDRICK, DOB XX/XX/1990, committed the below-described offenses, I have not included every detail of the investigation. In addition, unless otherwise indicated, all statements contained in this Affidavit are summaries in substance and in part.

6. As will be shown below, there is probable cause to believe that JORDAN MICHAEL JOHN MACHIPINESS-FANDRICK committed violations of Title 18, United States Code, Sections 2241(c), and 1153, (Aggravated Sexual Abuse of a Child Under the Age of Twelve) which occurred within the exterior boundaries of the Turtle Mountain Indian Reservation.

LEGAL AUTHORITY

7. Title 18, United States Code, Section 2241(c) prohibits a person from attempting or knowingly causing a child under the age of twelve (12) to engage in a sexual act.
8. Title 18, United States Code, Section 1153 provides for federal jurisdiction for major crimes committed by Indians in Indian Country. In determining whether an individual is an Indian, federal law gives significant weight to whether the individual is enrolled in a federally recognized Indian tribe. The major crimes enumerated in Title 18, United States Code, Section 1153 include violations of Title 18, United States Code, Section 2241(c), which falls under Chapter 109A of Title 18. Indian Country is defined by Title 18, United States Code, Section 1151, to include all land within the limits of any Indian reservation.

BACKGROUND OF INVESTIGATION

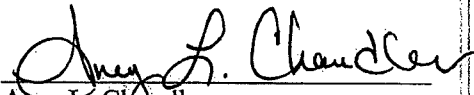
9. In or about February 2020, minor victim, A.H., DOB XX/XX/2008, disclosed that MACHIPINESS was sexually abusing her. A.H. was transported to Fargo where she underwent a sexual assault examination. The sexual assault examination kit was submitted to the North Dakota Crime Laboratory for analysis.
10. On or about March 27, 2020, the North Dakota Crime Laboratory reported that male DNA was located on vaginal swabs and rectal swabs obtained during the sexual assault examination of A.H.
11. On or about February 20, 2020, A.H. was forensically interviewed. A.H. disclosed that MACHIPINESS touched her when her mother was not around. A.H. recalled that approximately one week prior to her forensic interview, her mother was not home at unit 666 in Green Acres housing section in Belcourt, North Dakota when A.H. was left with MACHIPINESS. While A.H.'s mother was gone, MACHIPINESS tried to kiss A.H. and A.H. tried to put her face into a pillow. MACHIPINESS got mad at her. MACHIPINESS then "started doing stuff" to A.H. MACHIPINESS touched A.H.'s chest under her clothes with his hand and then pulled down her pants. MACHIPINESS touched A.H.'s genital area with his penis. A.H. reported that it "hurt" when MACHIPINESS' penis touched A.H.'s vagina. MACHIPINESS was on top of A.H. After MACHIPINESS stopped, he wiped his hand on A.H.'s favorite black shirt with sparkles then left the room. MACHIPINESS then threw A.H.'s shirt in a trash bag. MACHIPINESS told A.H. that if she told anyone what happened that it would ruin their family.

12. A.H. reported that it was hard to remember all the times it happened, but did report the abuse had been ongoing for approximately four years. MACHIPINESS also attempted to put his penis in A.H.'s mouth. MACHIPINESS put his mouth on A.H.'s vagina. A.H. also disclosed incidents when MACHIPINESS' penis touched A.H.'s butt. The last incident of sexual abuse occurred on a Friday, and A.H. reported the abuse on the following Monday. When A.H. described one of the incidents of MACHIPINESS' penis having contact with her vagina she stated it "burned" a lot and that she "flinched" when it happened. A.H. stated that she cried and MACHIPINESS asked her why she was crying.
13. A.H. recalled other incidents that happened in her bedroom and at a hotel in Bismarck recently. Specific to the incident in the Bismarck hotel, A.H. described being able to see Walmart and a hospital from the hotel room. A.H. described MACHIPINESS waking A.H. up to "do it." A.H. stated MACHIPINESS made A.H. lie on her chest. MACHIPINESS' penis touched A.H.'s butt. A.H. stated "everything hurts." A.H. stated MACHIPINESS did the same thing to her butt as what he did to her vagina.
14. A.H. stated MACHIPINESS told her there was some guy in his head telling him to do this (referring to the sexual acts) to her. A.H. estimated MACHIPINESS touched her at least once per week.
15. On or about April 9, 2020, SA Chandler interviewed A.H.'s mother, Ricqual Machipiness-Fandrick. Ricqual stated she, her husband MACHIPINESS, and the children went to Bismarck around February 7, 2020 because Ricqual's sister was in a coma. Ricqual recalled that they stayed at a hotel and that the room was registered to MACHIPINESS. Ricqual stated they went to Bismarck twice, but A.H. did not go with both times.

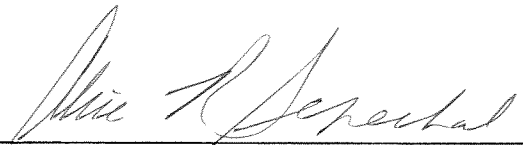
16. Ricqual stated after she learned of the abuse upon A.H. she was given medication that put her out. The next morning, MACHIPINESS told Ricqual that he would leave the house. MACHIPINESS also stated he would go to jail so that the children would not be removed from Ricqual's custody.
17. On or about February 20, 2020, SA Chandler interviewed A.L. A.L. reported that her friend, A.H., disclosed to her approximately two weeks ago that A.H.'s father, MACHIPINESS, had been "raping" her. MACHIPINESS sexually abused A.H. in the family home in Dunseith, North Dakota and in the home in the Green Acres housing section in Belcourt, North Dakota. A.L. later wrote a letter about what A.H. told her.
18. On or about February 20, 2020, A.H.'s minor friend, A.L., DOB XX/XX/2006, provided a letter dated February 17, 2020, she wrote about A.H.'s disclosure to A.L. A.H. disclosed to A.L. that A.H.'s father, MACHIPINESS, had been sexually abusing A.H. since she was young.
19. On or about February 26, 2020, SA Chandler interviewed A. J., DOB XX/XX/2006, A.H.'s friend. A.H. also disclosed to A.J. that MACHIPINESS was sexually abusing A.H. A.J. also recalled an incident in which MACHIPINESS tried to kiss A.J.
20. On or about March 30, 2020, Bureau of Indian Affairs (BIA) in Belcourt, North Dakota provided the land status for unit 666 in Green Acres housing section in Belcourt. The residence is located on allotted land within the Turtle Mountain Indian Reservation.
21. On or about July 11, 2018, BIA in Belcourt, North Dakota provided a Certificate of Indian Blood for JORDAN MICHAEL JOHN MACHIPINESS-FANDRICK, DOB XX/XX/1990 indicating MACHIPINESS is an enrolled member of the Turtle Mountain Band of Chippewa Indians.

CONCLUSION

22. Based on the aforementioned factual information, I respectfully submit that there is probable cause to believe that JORDAN MICHAEL JOHN MACHIPINESS-FANDRICK has committed the offenses of aggravated sexual abuse of a child under the age of twelve in violation of Title 18, United States Code, Sections 2241(c) and 1153.


Amy L. Chandler
Special Agent
Federal Bureau of Investigation

SWORN TO BEFORE ME
THIS 21st DAY OF MAY, 2020, VIA TELEPHONE



Alice R. Senechal
United States Magistrate Judge